

USDC IN/ND case 2:20-cv-00431-JVM-JEM document 7 filed 10/16/20 page 1 of 4 Lake Superior Court, Onondaga County, NY

RENE REYNA, ) CAUSE NO.:  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ANDREW ZABALA; )  
 WAL-MART TRANSPORTATION, LLC; )  
 and WALMART INC. a/k/a WAL-MART )  
 STORES INC., )  
 )  
 Defendants. )

## **COMPLAINT AND JURY DEMAND**

Comes now the Plaintiff, Rene Reyna, by counsel Michael D. Dobosz of Hilbrich Cunningham Dobosz Vinovich & Sandoval, LLP, and for his cause of action against the Defendants, Andrew Zabala, Wal-Mart Transportation, LLC, and Walmart Inc. states as follows:

1. That at all times relevant to this Complaint, the Plaintiff, Rene Reyna, is a resident of Whiting, County of Lake, State of Indiana.
2. That at all times relevant to this Complaint, the Defendant Andrew Zabala is a resident of Collinsville, County of Madison, State of Illinois.
3. At all times relevant to this Complaint, Defendant Wal-Mart Transportation, LLC. (hereinafter “Wal-Mart Transportation”) is a corporation doing business in the State of Indiana.
4. At all times relevant to this Complaint, the registered agent for Defendant Wal-Mart Transportation was CT Corporation System located at 334 North Senate Avenue, Indianapolis, IN

46204.

5. At all relevant times to this Complaint, Defendant Walmart Inc. a/k/a Wal-Mart Stores Inc. (hereinafter "Walmart") is a corporation doing business in the State of Indiana.

6. At all relevant times to this Complaint, the registered agent for Defendant Walmart was CT Corporation System located at 334 North Senate Avenue, Indianapolis, IN 46204.

7. That at all material times herein, Defendant Andrew Zabala was in the course and scope of his employment with Defendants Wal-Mart Transportation and Walmart and was their actual and or apparent agent and employee.

8. On or about October 26, 2018, the Plaintiff Rene Reyna was driving his 2017 Toyota Corolla westbound on 141<sup>st</sup> Street near the intersection of U.S. 41 in Hammond, Lake County, Indiana.

9. At said date, time, and location, Defendant Andrew Zabala was operating a 2016 Kenworth T600 semi tractor truck westbound on 141<sup>st</sup> Street near the intersection of U.S. 41 in Hammond, Lake County, Indiana.

10. At said date, time, and location, Defendant Andrew Zabala suddenly turned right into the center lane of 141<sup>st</sup> Street carelessly and negligently causing his vehicle to collide with Plaintiff's vehicle, proximately causing injuries and damages to the Plaintiff as hereinafter described.

11. That the Defendant Andrew Zabala owed a duty to Plaintiff and other drivers on the road to avoid any improper turns, ensure any lane changes could be done safely, and properly signal any lane changes and/or turns before attempting to leave the left hand lane.

12. That the aforementioned duties are also embodied in I.C. 9-21-8-21; 9-21-8-11.5; 9-21-8-24; and 9-21-8-25.

13. That Defendant Andrew Zabala breached these statutory duties of I.C. 9-21-8-21; 9-21-8-11.5; 9-21-8-24; and 9-21-8-25. and said breaches constitute negligence per se.

14. At said date, time, and location, Defendant Andrew Zabala was also under a duty to the Plaintiff Rene Reyna to:

- a. Exercise reasonable care;
- b. Maintain a proper lookout;
- c. Avoid colliding with other vehicles;
- d. Operate the tractor-trailer in a non-reckless manner;
- e. Maintain proper control of the motor vehicle;
- f. Keep the motor vehicle in its proper lane of traffic;
- g. Properly signal any lane changes;
- h. Ensure any turns and/or lane changes could be done safely; and
- g. Operate the motor vehicle in a safe and prudent manner;

15. That at said date, time, and location, Defendant Andrew Zabala breached the aforementioned duties to the Plaintiff.

16. Defendant Andrew Zabala is responsible for the injuries and damages to the Plaintiff Rene Reyna caused by his negligence.

17. All of the breaches of duties by the Defendant Andrew Zabala constitute negligence and these breaches proximately caused injuries and damages to the Plaintiff, including but not limited to:

- a. temporary and permanent bodily injuries;
- b. pain and suffering associated with the bodily injuries;

- c. past, present, and future medical expenses and treatment;
- d. loss of income and opportunities for greater income; and
- e. loss of quality and enjoyment of life.

18. That pursuant to *respondeat superior* and agency principles, Defendants Wal-Mart Transportation, LLC and Walmart Inc. are jointly and severally liable for Defendant Andrew Zabala's negligence and breaches of duty to Plaintiff Rene Reyna.

WHEREFORE, the Plaintiff Rene Reyna demands damages against the Defendants Andrew Zabala; Wal-Mart Transportation, LLC; and Walmart Inc. in an amount which is reasonable and just, and for all other just and proper relief in the premises.

**JURY DEMAND**

Plaintiff respectfully demands a trial by jury on all issues herein.

Respectfully submitted,

**HILBRICH CUNNINGHAM DOBOSZ  
VINOVICH & SANDOVAL, LLP**  
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